

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

D& M NEW WORLD MANAGEMENT, INC.,

Opposer,

v.

Opp. No. 91162831
Mark: BLACK STORK
Ser. No. 76/521,791

TORGOVY DOM "AROMA" TA TRADE
HOUSE "AROMA,"

Applicant.

**OPPOSER'S CROSS-MOTION FOR SUMMARY JUDGMENT IN
RESPONSE TO APPLICANT'S MOTION FOR JUDGMENT FOR OPPOSER'S
FAILURE TO PROVE THE CASE**

Opposer, D & M NEW WORLD MANAGEMENT, INC., through its undersigned counsel respectfully moves the honorable Trademark Trial and Appeal Board to grant its Cross-Motion for Summary Judgment against Applicant.

Opposer has not taken testimony to date because it did not believe it was fair to waste either its client's time and money or the Board's time on a case where the facts are so patently obvious. Moreover, Applicant's attorney, Marina E. Volin, Esq., was provided with documentation of Opposer's rights, namely letters from the Moldova manufacturer that Opposer was the official distributor of BLACK STORK brandy and Applicant was not a licensed distributor of its product, before this Opposition was ever filed. See Exhibit A. Opposer has shown Applicant numerous invoices for the sale of



12-05-2005

BLACK STORK brandy in the United States in November 2002 which pre-date Applicant's filing of its intent to use application for BLACK STORK by almost seven months. Ex. C. After filing Opp. No. 91162831, Opposer readily provided answers to Applicant's three separate, piecemeal requests showing 1) its Certificate of Goods Origin dated October 9, 2002 for the export of 600 bottles of BLACK STORK brandy shipped to Opposer and the matching Bill of Lading 2) Opposer's Application for and Certification of Label/Bottle Approval for BLACK STORK dated September 27, 2002 3) Five distributors with telephone numbers for Opposer's BLACK STORK brandy in the United States. See Exhibit B.

Much to Opposer's bafflement, Applicant continued to insist that these 600 bottles might be merely "token use." It is preposterous to pretend that quantity of brandy was shipped for personal consumption. While Opposer's attorney appreciates zealous advocacy as much as any other practitioner, it is submitted that this was the equivalent of continuing to insist the world is flat in the face of Galileo's proof. Evidence of prior use by Opposer of the BLACK STORK mark for brandy in the United States has been shown clearly and conclusively to Applicant's attorney. When Opposer provided answers to Applicant's interrogatories and document requests Applicant was able to see evidence of BLACK STORK advertising, further BLACK STORK invoices and media coverage. Applicant continued to express concerns about "token use." It is clearly established legal precedent that a corporation need not spend or sell the equivalent of General Motors in sales to be considered a commercial entity.

In Opposer's view, the case for Applicant to have its intent to use

application for BLACK STORK rejected in light of Opposer's prior use and substantial sales of brandy under that mark has been made clearly and convincingly. Applicant filed its application, Ser. No. 76/521,791, **June 10, 2003** but Opposer made sales of BLACK STORK brandy in the United States from **November 27, 2002 to date**. Opposer applied for label approval of BLACK STORK brandy on **September 27, 2002**. Opposer has shown Applicant its Letter of Appointment by the Moldovan manufacturer of BLACK STORK brandy with its official corporate seal. Exhibit A. Opposer has also shown Applicant's counsel a letter dated October 6, 2003 from this same Moldovan manufacturer stating **"Trade House "Aroma" located at Beregovoi, 5 str. Moscow, Russia has no rights at all sell (sic) and to register Trademark "Black Stork" in the United States of America not (sic) in any other countries."** Exhibit A. While Opposer has taken all the necessary steps to import BLACK STORK brandy from Moldava including label approval, obtaining a Letter of Appointment and arranging the shipments, it does not understand how Applicant can pretend it is anything other than an unlicensed junior user of BLACK STORK. With the invoices shown to Applicant, there is a clear demonstration of sales of BLACK STORK brandy by Opposer prior to Applicant even filing its U.S. trademark application. Exhibit C.

Thus, Opposer firmly opposes Applicant's Motion Pursuant to Trademark Rule 2,132(a) for Judgment for Opposer's Failure to Prove the Case and makes this Cross-Motion for Summary Judgment in the good faith that Applicant and its counsel saw more than enough evidence already to understand that Opposer is the prior user of BLACK STORK brandy. Applicant's persistence in believing that the case has not been

proved fully wastes the time and money of all the parties concerned. The facts are not difficult to establish. The shipment dates are verifiable as are the invoice dates. Applicant had this evidence before it made its Motion. Lengthy depositions of Opposer's officers would not add any important facts. Applicant does not need to see every BLACK STORK invoice of Opposer to be aware that it is the junior, unlicensed user of the mark. Opposer is convinced that even with a mountain of evidence, Applicant would try to pick holes in it. This should not be tolerated. Where cases are relatively straight-forward, time should not be wasted, for the sake of all the parties concerned including the TTAB, in heaps of inapposite testimony, interrogatories and document requests. Here the prior use by Opposer of BLACK STORK brandy is unequivocal.

WHEREFORE, Opposer requests that this Cross-Motion for Summary Judgment be granted and the application Ser. No. 76/571,791 of Applicant be denied registration.

November 30, 2005

Respectfully submitted,

A handwritten signature in cursive script, reading "Gail E. Nickols". The signature is written in dark ink and is positioned above the printed name and address.

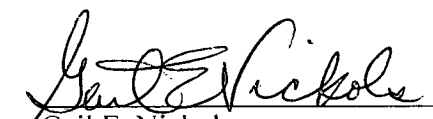
Gail E. Nickols
Attorney for Opposer
GRAHAM CAMPAIGN, P.C.
36 West 44th Street, #1207
New York, NY 10036
(212)-354-5650

CERTIFICATE OF SERVICE

I hereby certify that one original and two copies of the foregoing Opposer's Cross-Motion for Summary Judgment in Response to Applicant's Motion for Judgment For Opposer's Failure to Prove the Case in Opposition No. 91162831 were served by air Mail, postage pre-paid to:


TTAB
P.O. Box #1451
Alexandria, VA 22313-1451

this 30th day of November 2005.


Gail E. Nickols

CERTIFICATE OF MAILING

I hereby certify that a copy of the foregoing Opposer's Cross-Motion for Summary Judgment in Response to Applicant's Motion for Judgment for Opposer's Failure to Prove the Case in Opposition No. 911612831 was served by first class air mail, postage pre-paid upon Applicant's attorney, Marina E. Volin, Esq., Caesar, Rivise, Bernstein, Cohen & Pokotilow, Ltd. at 11th Floor-Seven Penn Center, 1635 Market Street Philadelphia, PA 19103-2212 this 30th day of November 2005.


Gail E. Nickols

Ex A

Republica Moldova ,mun. Chişinău
Societate pe Acţiuni de tip deschis
"AROMA"



MD-2004, Chişinău,
str. Toma Ciorbă nr. 38,
tel.: (373-2) 200-651, 200-656,
fax : (373-2) 246-751, 210-747
www.aroma.md
E-mail: aroma@moldova.md

18.10.02 Nr. 01-854
La nr. _____ Din _____

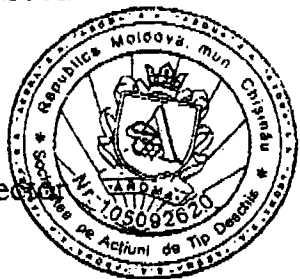
MD-2004, Кишинэу, ул. Тома Чорбэ, 38,
тел.: (373-2) 200-651, 200-656,
факс : (373-2) 246-751, 210-747
www.aroma.md
E-mail: aroma@moldova.md

**LETTER OF APPOINTMENT
TO WHOME IT MAY CONCERN**

Please accept this Letter of Appointment explicitly awarding D&M New World Management Inc.DBA Apollo Fine Spirits located at 55 Northern Boulevard Suite 201, Great Neck NY 11021, authority to import and distribute "Aroma" white stork and black stork brandy on the territory of the USA.

19 February 2002

General Director



Gontsa S.F.

Republica Moldova ,mun. Chişinău
Societate pe Acţiuni de tip deschis

"AROMA"



MD-2004, Chişinău,
str. Toma Ciorbă nr. 38,
tel.: (373-2) 200-651, 200-656,
fax : (373-2) 246-751, 210-747
www.aroma.md
E-mail: aroma@moldova.md

6.10.03 Nr. 01.1035
La nr. _____ Din _____

MD-2004, Кишинэу, ул. Тома Чорбэ, 38,
тел.: (373-2) 200-651, 200-656,
факс : (373-2) 246-751, 210-747
www.aroma.md
E-mail: aroma@moldova.md

TO THE COMMISSIONER
FOR TRADEMARK

This letter is to confirm that Joint Stock Company "AROMA" of the Republic of Moldova is the only producer of brandy "Black Stork" and is the owner of "Black Stork" Trademark registration 7005.

Trade House "Aroma" located at Beregovoi , 5 str. Moscow, Russia has no rights at all sell and to register Trademark "Black Stork" in the United States of America not in any other countries.

Our official Representative and Distributor in the United States is D&M New World Management Inc. DBA "APOLLO FINE SPIRITS" LOCATED AT 55 Northern BLVD Suite 201, Great Neck NY 1102.

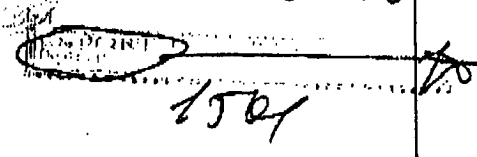
Ruslan Garbali
General Manager

Ex B

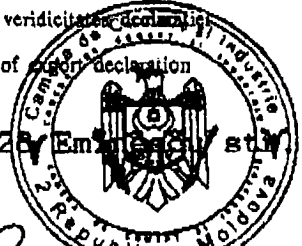
CERTIFICAT DE ORIGINE A MĂRFURILOR
CERTIFICATE OF GOODS ORIGIN

| | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Exportator (denumirea, adresa completă, țara) Exporter (name, address, country) AROMA SATD, c/f207990 MUN.CHISINAU SEC. CENTRU STR.TOMA CIORBA, 38, R.Moldova | <div style="text-align: right;"> CERTIFICAT Nr.0051492 CERTIFICATE Nr. </div> 3. Emis in țara Issued in country <u>Republic of Moldova</u> |
| 2. Destinatari (denumirea, adresa completă, țara) Consignee (name, address, country) D&M NEW WORLD MANAGEMENT INC DBA "Apollo Fine Spirits" 55 Northern Boulevard Great Neck, New York 10021, U.S.A. | 5. Observatii ale autorităților competente Remarks of a Competent Authority |
| 4. Informații privind transportul Information of transport Combined transport | |

| 6. Nr. crt. # Nr. | 7. Marcarea coletelor Packing & Marking | 8. Numărul și natura ambalajelor Denumirea mărfurilor Number & Type of Packing Goods name | 9. Criteriul de origine Origin criteria | 10. Greutatea brută sau alte unități de măsură Gross weight or other measurement units | 11. Numarul și data facturilor Invoice Nr. & date |
|----------------------|--------------------------------------------------|----------------------------------------------------------------------------------------------------|--------------------------------------------------|----------------------------------------------------------------------------------------------------------|---------------------------------------------------------------|
| 1 | 750 boxes | White Stork brandy V.S.O.P. 0.75 l 9000bottle | Moldova | 11625/ 6750 | 226 of 09.10. 2002 |
| 2 | 200 boxes | White Stork brandy V.S. 0.75 l 090 111100212 600bottle | Moldova | 3100/ 1800 | |
| 3 | 50 boxes | Black Stork brandy V.S.O.P. 0.75 l 600bottle | Moldova | .775/ 450 | |

133 DEPARTAMENT
 27 10 1002 19


12. Viza
 Signature
 Prin prezenta se confirmă veridicitatea declarației
 exportatorului
 Confirms the authenticity of export declaration

CCI RM
2012.Chisinau. 28

 Chief Department

13. Declarația exportatorului
 Export Declaration

 Subsemnatul declar că mărfurile declarate mai sus
 îndeplinesc condițiile cerute în obținerea certificatului
 The undersigned declares that goods declared above are in
 conformity with the requirements necessary for obtaining Certificate

Locul
Place

Chisinau

Data
Date

09-10-2002

02274-002-000056

DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
APPLICATION FOR AND CERTIFICATION/EXEMPTION OF
LABEL/BOTTLE APPROVAL

(See Instructions and Paperwork Reduction Act Notice on Back)

PART I - APPLICATION

| | | | | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|-------------------------------------------------------------------------------------------------------------------------|--|-----------------------------------------------------------------------------------------------------------------------|--|
| VENDOR CODE (Required) | | 2. SERIAL NUMBER (Required) | | 7. NAME AND ADDRESS OF APPLICANT AS SHOWN ON PLANT REGISTRY, BASIC PERMIT OR BREWER'S NOTICE (Required) | |
| 12891 | | YEAR 02-0745 | | D & M NEW WORLD MANAGEMENT INC. DBA: APOLLO FINE SPIRITS 55 NORTHERN BOULEVARD SUITE 201 GREAT NECK NY 11021 | |
| BRAND NAME (Required) | | | | 7a. MAILING ADDRESS, IF DIFFERENT | |
| AROMA | | | | | |
| CLASS AND TYPE (Required) (Includes wine varietal designation, if applicable) | | | | | |
| BRANDY X.O. | | | | | |
| FANCIFUL NAME (If any) | | | | | |
| BLACK STORK | | | | | |
| PLANT REGISTRY/BASIC PERMIT NO./BREWER'S NO. (Required) | | | | | |
| NY-1-1796 | | | | | |
| FORMULA NO. (If any) | | 9. LAB. NO./DATE | | 10. NET CONTENTS | |
| NA | | 120020645 | | 750ML | |
| 11. PHONE NUMBER | | 12. TYPE OF APPLICATION (Check applicable box) | | | |
| (516) 482-6656 | | a. <input checked="" type="checkbox"/> CERTIFICATE OF LABEL APPROVAL | | | |
| 13. AGE (Distilled Spirits) | | b. <input type="checkbox"/> CERTIFICATE OF EXEMPTION FROM LABEL APPROVAL (For sale in only (Fill in State abbreviation) | | | |
| NA | | c. <input type="checkbox"/> DISTINCTIVE LIQUOR BOTTLE APPROVAL TOTAL BOTTLE CAPACITY BEFORE CLOSURE (Fill in amount) | | | |
| 14. VINTAGE (Wine products only, if stated on label) | | 15. FAX NUMBER | | | |
| 40% | | (516) 482-6614 | | | |
| 7. SHOW ANY WORDING (a) APPEARING ON MATERIALS FIRMLY AFFIXED TO THE CONTAINER (e.g., caps, cellophane, seals, etc.) OTHER THAN THE LABELS AFFIXED BELOW, OR (b) EMBOSSED ON THE CONTAINER. THIS WORDING MUST BE NOTED HERE EVEN IF IT DUPLICATES PORTIONS OF THE LABELS AFFIXED BELOW. ALSO, PROVIDE TRANSLATIONS OF FOREIGN LANGUAGE TEXT APPEARING ON LABELS. | | | | | |
| ALSO TO INCLUDE SIZES: 50ML, 200ML, 375ML, 1LT, 1.75ML | | | | | |

PART II - APPLICANT'S CERTIFICATION

Under the penalties of perjury, I declare: that all statements appearing on this application are true and correct to the best of my knowledge and belief; and, that the representations on the labels attached to this form, including supplemental documents, truly and correctly represent the content of the containers to which these labels will be applied. I also certify that I have read, understood and complied with the conditions and instructions which appear on the reverse of an original ATF F 5100.31, Certificate/Exemption of Label/Bottle Approval.

| | | |
|------------------------|------------------------------------------------|------------------------------------------------|
| 8. DATE OF APPLICATION | 19. SIGNATURE OF APPLICANT OR AUTHORIZED AGENT | 20. TYPE NAME OF APPLICANT OR AUTHORIZED AGENT |
| 09-27-02 | <i>[Signature]</i> | DALIA KOHLER |

PART III - ATF CERTIFICATE

This certificate is issued subject to applicable laws, regulations and conditions as set forth on the back of this form.

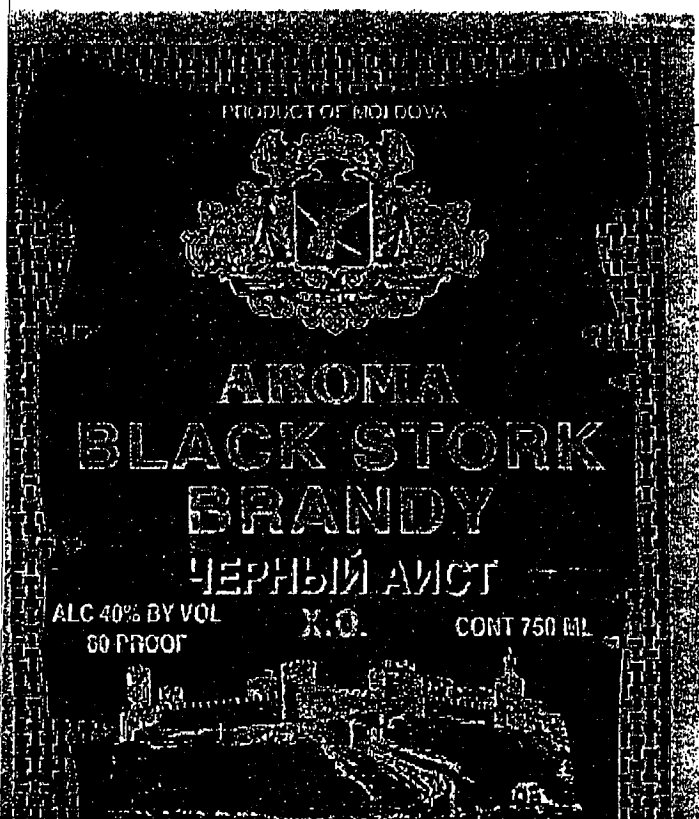
| | |
|-----------------|-------------------------------------------------------------------|
| 21. DATE ISSUED | 22. AUTHORIZED SIGNATURE, BUREAU OF ALCOHOL, TOBACCO AND FIREARMS |
| OCT 10 2002 | <i>[Signature]</i> |

FOR ATF USE ONLY

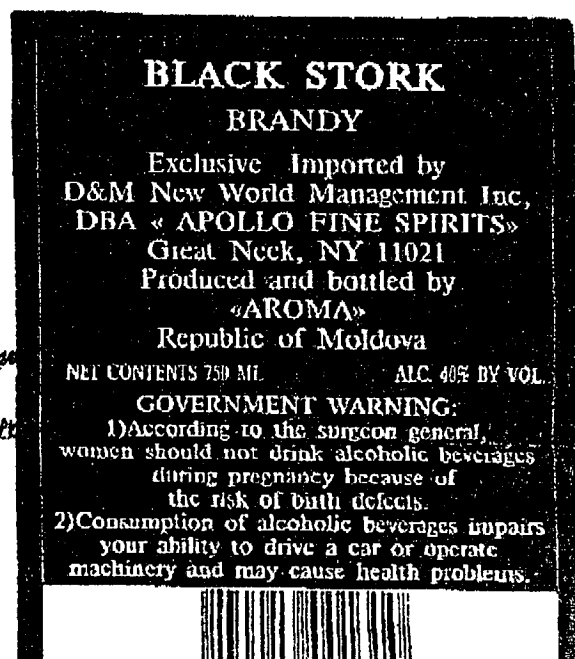
QUALIFICATIONS

38. WHEN NEW LABELS ARE PRINTED,
Sin Surgeon and the Bio
General must be Capitalized
MUST BE SPELLED CORRECTLY IN
THE GOVERNMENT WARNING
STATEMENT

EXPIRATION DATE (If any)



TRANSLATION
→ Black Stork



ATF F 5100.31 (4-96) PREVIOUS EDITIONS ARE OBSOLETE

H. JOHN CAMPAIGN
JOHN M. KEENE ♦
CHARLES H. KNULL †
GAIL E. NICKOLS
WILLIAM C. WRIGHT ♦

OF COUNSEL:
DAVID ARENS
ARES DEMETRIUS AXIOTIS ♦
GERARD H. DAVIS ♦
CHARLES E. TEMKO

♦ ALSO ADMITTED IN N.J.
♦ ALSO ADMITTED IN CT.
† ALSO ADMITTED IN D.C.



The Bar Building
36 West 44th Street
New York, New York
10036-8178 U.S.A.

Tel. (212) 354-5650
Fax (212) 354-6354
E-MAIL GRACAM@AOL.COM
WWW.GRAHAMCAMPAIGN.COM

March 24, 2005

Casesar, Rivise, Bernstein, Cohen & Pokotilow, Ltd.
Seven Penn Center-11th floor
1635 Market Street
Philadelphia, PA 19103-2212

Attention: Marina E. Volin

RE: Opposition No. 91162831
BLACK STORK
Your ref: B1200-40001

Dear Ms. Volin:

While I can appreciate that your client does not want to admit they are not the prior user, I do think the use of three separate sets of questions borders on the ridiculous. However, perhaps they can apply that same determination to calling five listed distributors for my client's BLACK STORK brandy and learn the facts for themselves, thereby saving time and money.

1. Bay Way World Liquors- (908)-353-6300
2. Clifton Discount Liquors-(973)-253-2331
3. Roger Wilco (856)-665-3456
4. Oksamit Liquors (718)-36803115
5. Soureville Plaza Wine and Liquors-(732)-721-8800

I trust this will help to convince your client that the shipment of over 12,000 bottles of BLACK STORK has not been solely for internal consumption and negates any possibility of "token use."

After such due diligence, can we proceed with the drafting of the abandonment of your client's application?

Very truly yours.
Gail E. Nickols

Ex. C

Apollo Fine Spirits
 50 Hempstead Gardens Drive
 West Hempstead NY 11552

NY LIC # 11-0000-000
 NJ LIC # 3402-23-737-001

invoice

| Date | Invoice # |
|------------|-----------|
| 11/27/2001 | 4993 |

Phone 516-564-5800 Fax 516-564-5677

Bill To
 L'Chaim wine liquor's
 127 Brighton Beach Avenue
 Brooklyn, NY 11235
 718-996-6410

Ship To
 L'Chaim wine liquor's
 127 Brighton Beach Avenue
 Brooklyn, NY 11235
 718-996-6410

PAID

| Picking list | Terms | Due Date | Rep | Ship Date | ILL ID NO |
|--------------|--------|------------|-----|------------|-----------|
| | Net 30 | 12/27/2002 | MS | 11/27/2002 | |

| Item | Qty | Description | Net Price | Discount | Amount |
|--------|-----|--------------------------------|--------------|----------|-----------------|
| VBS16 | 2 | White stork VS brandy 12/750 | 132.00 | 119.88 | 239.76 |
| VBW12 | 2 | White stork brandy VSOP 12/750 | 156.00 | 143.88 | 287.76 |
| VBB14 | 1 | Black stork X.O. brandy 12/750 | 179.88 | 167.88 | 167.88 |
| VBS16B | 9 | White Stork VS Brandy 1/750 | 11.00 | 9.99 | 89.91 |
| | | | Total | | \$785.31 |

OF CASES REC'D _____

DATE: _____

SIGNATURE _____

PRINT NAME _____

Make All Checks Payable to: APOLLO FINE SPIRITS
 55 Northern BLVD Suite 201 Great Neck NY 11021

The seller has assumed payment of or has paid the New York state and when applicable NYU alcohol beverage tax

ADOLFO FINE SPIRITS
50 Hempstead Gardens Drive
West Hempstead NY 11552

NJ LIC # 3402-23-337-001

INVOICE

| Date | Invoice # |
|------------|-----------|
| 11/27/2002 | 4987 |

Phone 516-564-5600 Fax 516-564-5677

Bill To

G.I. Wine liquor
1709 Voohries Avenue
Brooklyn, NY 11235
718 -332-2800

Ship To

DELIVERY AFTER 9:30 AM

PAID

| Picking list | Terms | Due Date | Rep | Ship Date | ILL ID NO |
|--------------|--------|------------|-----|------------|-----------|
| | Net 30 | 12/27/2002 | LD | 11/27/2002 | |

| Item | Qty | Description | Net Price | Discount | Amount |
|-------|-----|--------------------------------|--------------|----------|-------------------|
| VBS16 | 2 | White stork VS brandy 12/750 | 132.00 | 119.88 | 239.76 |
| VBW12 | 8 | White stork brandy VSOP 12/750 | 156.00 | 143.88 | 1,151.04 |
| VBB14 | 5 | Black stork brandy 12/750 | 170.88 | 167.88 | 839.40 |
| | | | Total | | \$2,230.20 |

OF CASES RECEIVED

DATE

SIGNATURE

PRINT NAME

Make All Checks Payable to: ADOLFO FINE SPIRITS
55 Northern BLVD Suite 201 Great Neck NY 11021

The seller has assumed payment of or has paid the New York state and when applicable NYC alcohol beverage tax

Apollo Fine Spirits
50 Hempstead Gardens Drive
West Hempstead NY 11552

NY LIC # LL 112/668-203
NJ LIC # 3402-23-737-001

Invoice

| Date | Invoice # |
|------------|-----------|
| 11/27/2002 | 4986 |

Phone 516-564-5600 Fax 516-564-5677

Bill To
Homecrest Wine Liquor
1233 Avenue U
Brooklyn, NY 11229
718-375-2687

Ship To
Homecrest Wine Liquor
1233 Avenue U
Brooklyn NY 11229
718-375-2687

PAID

| Picking list | Terms | Due Date | Rep | Ship Date | ILL ID NO |
|--------------|--------|------------|-----|------------|-----------|
| | Net 30 | 12/27/2002 | MS | 11/27/2002 | |

| Item | Qty | Description | Net Price | Discount | Amount |
|-------|-----|--------------------------------|--------------|----------|-------------------|
| VBS16 | 4 | White stork brandy 12/750 | 132.00 | 119.88 | 479.52 |
| VBW12 | 5 | White stork brandy vsop 12/750 | 156.00 | 143.88 | 719.40 |
| VBB14 | 1 | Black stork brandy 12/750 | 179.88 | 167.88 | 167.88 |
| VBD14 | 6 | Danty Brandy frosted bt 12/1lt | 156.00 | 120.00 | 720.00 |
| VBD12 | 4 | Danty Brandy frosted bt 12/750 | 110.00 | 96.00 | 384.00 |
| ZWA32 | 1 | Armagnac Delord VS 6/750 | 113.94 | 107.94 | 107.94 |
| KF102 | 1 | Frizza mellow white 12/750 | 74.00 | 64.00 | 64.00 |
| KF104 | 1 | Frizza mellow Red 12/750 | 74.00 | 64.00 | 64.00 |
| | | | Total | | \$2,706.74 |

APOLLO FINE SPIRITS
DATE _____
SIGNATURE _____
PRINT NAME _____

Make All Checks Payable to APOLLO FINE SPIRITS
55 Northern BLVD Suite 201 Great Neck NY 11021

The seller has assumed payment of or has paid the New York state and when applicable NYC alcoholic beverage tax

INVOICE

| | |
|------------|-----------|
| Date | Invoice # |
| 11/27/2002 | 4988 |

Bill To

Ocean Wine Liquor
514 Brighton Beach Avenue
Brooklyn, NY 11235
718-743-3084

Ship To

Ocean wine liquor
514 Brighton Beach Avenue
Brooklyn, NY 11235
718-743-3084

| | | | | | |
|--------------|--------|------------|-----|------------|-----------|
| Picking list | Terms | Due Date | Rep | Ship Date | ILL ID NO |
| | Net 30 | 12/27/2002 | BA | 11/27/2002 | |

| Item | Qty | Description | Net Price | Discount | Amount |
|-------|-----|--------------------------------|-----------|----------|--------|
| VBS16 | 8 | White stork VS brandy 12/750 | 132.00 | 119.88 | 959.04 |
| VBW12 | 1 | White stork brandy VSOP 12/750 | 156.00 | 143.88 | 143.88 |
| VBB14 | 1 | Black stork X.O. brandy 12/750 | 179.88 | 167.88 | 167.88 |

| | |
|--------------|-------------------|
| Total | \$1,270.80 |
|--------------|-------------------|

REFERENCES

DATE: _____

SIGNATURE

Make All Checks Payable to APOLLO FINE SPIRITS
55 Northern BLVD Suite 201 Great Neck NY 11021

The seller has assumed payment of or has paid the New York state and when applicable NYC alcoholic beverage tax

Apollo Fine Spirits50 Hempstead Gardens Drive
West Hempstead NY 11552NY LIC # LL 1127668 203
NJ LIC # 3402-23-737-001**Invoice**

| Date | Invoice # |
|-----------|-----------|
| 12/3/2002 | 5022 |

Phone 516-564-5600 Fax 516-564-5677

Bill ToSilver Dreams wine liquor
1053 Brighton Beach avenue
Brooklyn, NY 11235
718 -934-4860**Ship To**Silver Dreams wine liquor
1053 Brighton Beach avenue
Brooklyn NY 11235
718-934-4860

| Picking list | | Terms | Due Date | Rep | Ship Date | ILL ID NO | |
|-----------------|-----|-------------------------------------------|----------|-----|-----------|------------|----------|
| FT | | Net 30 | 1/2/2003 | MS | 12/3/2002 | | |
| Item | Qty | Description | | | Net Price | Discount | Amount |
| VL124 | 8 | Lautrec cognac vsop 1' cru (Round) 12/750 | | | 181.88 | 169.88 | 1,359.04 |
| VL130 | 3 | Lautrec cognac X.O 1' cru 6/750 | | | 279.00 | 259.00 | 777.00 |
| ZWA06 | 1 | Bas-armagnac X.O decanter "Fidji" 12/375 | | | 227.88 | 203.88 | 203.88 |
| ZWA08 | 1 | Bas-Armagnac XO "DIVA" 6/750 | | | 227.94 | 185.94 | 185.94 |
| ZWA10 | 1 | Bas-armagnac "Helios" 1985 6/750 | | | 317.94 | 293.94 | 293.94 |
| VBB14 | 2 | Black stork X.O. brandy 12/750 | | | 179.88 | 167.88 | 335.76 |
| VBS16 | 2 | White stork VS brandy 12/750 | | | 132.00 | 119.88 | 239.76 |
| VBW12 | 2 | White stork brandy VSOP 12/750 | | | 156.00 | 143.88 | 287.76 |
| # OF CASES RECD | | | | | Total | \$3,683.08 | |

OF CASES RECD

DATE:

SIGNATURE

PRINT NAME

Make All Checks Payable to APOLLO FINE SPIRITS
55 Northern BLVD Suite 201 Great Neck NY 11021

The seller has assumed payment of or has paid the New York state and when applicable NYC alcoholic beverage tax

Apollo Fine Spirits
50 Hempstead Gardens Drive
West Hempstead NY 11552

NY LIC # LL 1127668 203
NJ LIC # 3402-23-737-001

Invoice

| Date | Invoice # |
|-----------|-----------|
| 12/3/2002 | 5024 |

Phone 516-564-5600 Fax 516-564-5677

Bill To

Avenue X Wine Liquor
245 Avenue X
Brooklyn, NY 11223
718-375-9707

Ship To

Avenue X Wine Liquor
245 Avenue X
Brooklyn NY 11223
718-375-9707

| Picking list | Terms | Due Date | Rep | Ship Date | ILL ID NO |
|--------------|--------|----------|-----|-----------|-----------|
| FT | Net 30 | 1/2/2003 | MS | 12/3/2002 | |

| Item | Qty | Description | Net Price | Discount | Amount |
|-------|-----|--------------------------------|--------------|----------|-----------------|
| VBW12 | 2 | White stork brandy VSOP 12/750 | 156.00 | 143.88 | 287.76 |
| VBB14 | 1 | Black stork X.O. brandy 12/750 | 179.88 | 167.88 | 167.88 |
| VD204 | 1 | Sobieski vodka 12/750 | 172.00 | 140.00 | 140.00 |
| VD206 | 1 | Sobieski vodka 12/1LT | 188.00 | 160.00 | 160.00 |
| VD208 | 1 | Sobieski vodka 6/1.75ML | 160.00 | 140.00 | 140.00 |
| | | | Total | | \$895.64 |

OF CASES REC'D

DATE

SIGNATURE

PRINT NAME

Make All Checks Payable to: APOLLO FINE SPIRITS
55 Northern BLVD Suite 201 Great Neck NY 11021

The seller has assumed payment of or has paid the New York state and when applicable NYC alcoholic beverage tax